

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LAURA SEIDL, individually and on behalf :
of all others similarly situated, :
Plaintiff, : 08 Civ. 8857 (DLC)
:
-v- : ORDER
:
AMERICAN CENTURY COMPANIES, INC., et :
al., :
Defendants. :
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DENISE COTE, District Judge:

At a telephone conference held today in the above-captioned matter, both parties agreed that the application of the Court's decision in McBrearty v. Vanguard Group, Inc., No. 08 Civ. 7650 (DLC), 2009 WL 875220 (S.D.N.Y. Apr. 2, 2009), would result in dismissal of the claims brought by plaintiff alleging violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968 ("RICO"). It is hereby

ORDERED that plaintiff's RICO claims are dismissed for the reasons stated in McBrearty, 2009 WL 875220 at *2-*4.

IT IS FURTHER ORDERED that, plaintiff having requested leave to amend to allege diversity jurisdiction, pursuant to the schedule discussed in the telephone conference, the complaint shall be amended by May 8, 2009.

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IT IS FURTHER ORDERED that discovery shall be stayed pending the resolution of a motion to dismiss or motion for judgment on the pleadings.

SO ORDERED:

Dated: April 28, 2009
New York, New York

Denise Cote
DENISE COTE
United States District Judge